IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.178 OF 2006

Maruti Rama Kurale & Ors. .. Appellants.
Vs.
Govind Bhagoji Kurale & Ors. .. Respondents.

Mr.M.R.Suryawanshi for the appellants.
Mr.V.S.Kaokitkar for the respondents.

CORAM : D.B.BHOSALE, JJ.
DATED : 5TH JULY, 2007.

P.C.:

. Heard learned counsel for the parties.

2. This second appeal by original defendant is directed against concurrent findings recorded by the courts below by which the respondents-plaintiffs' suit for injunction based on title and for possession has been decreed. Mr.Suryawanshi, learned counsel for the appellant submitted that the plaintiff has taken advantage of the fact that the appellants' name was wrongly entered in record when the city survey scheme was made applicable to the village in 1986. He submitted that the name of the appellant was recorded as Maruti Rama Koli instead of Maruti Rama Kurale. Mr.Suryawanshi further submitted that the plantiff in his cross examination could not explain as to whether Chalata No.173 is the disputed property

which further strengthens the appellants' case that his name was wrongly recorded in respect of Chalata No.173 in the city survey record. This aspect has been considered by both the courts below in proper perspective and have rightly negatived the contentions of the appellants. It is pertinent to note that according to the appellants they have filed appeal against recording the name of the appellants in the city survey record. However, the appellants could not produce any material to show that such appeal has been filed and it is pending or decided. Even before this court he could not produce any material in support of his contention. Considering that there are concurrent findings of fact and as I find sufficient material on record to sustain those findings and considering that no substantial question of law is involved this appeal deserves to be dismissed and it is dismissed as such.

(D.B.BHOSALE, J.)